

## SAFETY ON THE GREAT LAKES BY MEANS OF RADIO

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JULY 19, 1954.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. PELLY, from the Committee on Interstate and Foreign Commerce, submitted the following

### R E P O R T

[To accompany S. 3464]

The Committee on Interstate and Foreign Commerce, to whom was referred the bill (S. 3464) to amend the Communications Act of 1934, as amended, in order to make certain provisions for the carrying out of the agreement for the promotion of safety on the Great Lakes by means of radio, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### GENERAL STATEMENT

The purpose of this legislation is primarily to provide statutory provisions which will aid administrative implementation of the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio, entered into by the United States and Canada, signed on February 21, 1952, and ratified by the Senate on July 4, 1952, and which becomes effective on November 13, 1954.

This legislation has been introduced at the request of the Federal Communications Commission.

Generally speaking, the agreement requires that certain vessels navigating the Great Lakes after November 13, 1954, must, for the purpose of safety, be equipped with an approved radiotelephone installation in effective operating condition, and have on board at least one person as an officer or member of the crew qualified to operate the installation. The agreement also provides that the radiotelephone installation of each vessel is to be inspected or surveyed periodically not less than once every 12 months. The agreement prescribes technical operating standards for radiotelephone apparatus on vessels of the United States and Canada and other vessels entering and navigating the Great Lakes.

The bill, S. 3464, will facilitate enforcement of the agreement by the United States by providing for the imposition and remission or mitigation of penalties for violation of the agreement or rules pursuant to the agreement in the same manner as is now provided with respect to title III, part II, of the Communications Act. This type of sanction has proved an effective aid in enforcement of title III, part II of the act, and should be equally useful in connection with enforcement of the Great Lakes agreement. Certain other changes are also made in the Communications Act which are desirable in view of the coming into force of the agreement.

Your committee is of the opinion that the enforcement of S. 3464 is another major step forward in the legislation promoting safety of life and property through the use of wire and radio communications. It should prove to be beneficial to the general public, required to use vessels on the Great Lakes for one reason or another.

### SECTION BY SECTION ANALYSIS

#### SECTION 1

This section amends section 3 of the Communications Act of 1934, as amended, by adding at the end of the definitions contained in the section a new definition to be designated paragraph (ee) which reads as follows:

(ee) "Great Lakes Agreement" means the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio in force and the regulations referred to therein.

#### SECTION 2

##### *Subsection 2 (a)*

The subsection modifies section 4 (f) (3) by changing the designation of "inspectors" to read "engineers" and "Field Division of the Engineering Department of the Federal Communications Commission," to read "Field Engineering and Monitoring Bureau of the Federal Communications Commission" so that the portion of the subsection in which these words now appear reads "Engineer in charge and radio engineers of the Field Engineering and Monitoring Bureau of the Federal Communications Commission" instead of "inspectors in charge and radio inspectors of the Field Division of the Engineering Department of the Federal Communications Commission." This subsection is also amended by extending the provisions to include inspections required pursuant to the Great Lakes agreement as well as those pursuant to title III, part II of the act.

##### *Subsection 2 (b)*

This subsection modifies the last proviso of section 4 (f) (3) by striking "inspector" wherever it appears and inserting in lieu thereof "engineer." The change with reference to the designations is made necessary to reflect the present FCC organizational plan.

#### SECTION 3

This section amends the act by adding two new subsections 507 (a) and 507 (b) and applies the same forfeiture provisions to vessels on the Great Lakes subject to the Great Lakes agreement as are now provided in section 362 of the act. This amendment was necessary

because the act at the present time does not provide any forfeiture for violations of the provisions of the Great Lakes agreement or any rules or regulations issued by the Commission pursuant thereto.

*Subsection 3 (a)*

This subsection adds a new subsection 507 (a) which provides that: Any vessel of the United States that is navigated in violation of the provisions of the Great Lakes agreement or the rules and regulations of the Commission made in pursuance thereof and any vessel of a foreign country that is so navigated on waters under the jurisdiction of the United States shall forfeit to the United States the sum of \$500 recoverable by way of suit or libel. Each day during which such navigation occurs shall constitute a separate offense.

*Subsection 3 (b)*

Subsection 3 (b) adds a new subsection which provides that: Every willful failure on the part of the master of a vessel of the United States to enforce or to comply with the provisions of the Great Lakes agreement or the rules and regulations of the Commission made in pursuance thereof shall cause him to forfeit to the United States the sum of \$100.

SECTION 4

Section 4 amends section 504 (b) of the act so as to include the words "and section 507." This amendment was necessary so that the forfeitures imposed by the new subsections 507 (a) and 507 (b) for violations of the Great Lakes agreement will be subject to remission or mitigation by the Commission in the same manner as the Commission is now authorized to remit or mitigate forfeitures imposed for violations of the radio requirements of title III, part II of the act.

SECTION 5

This section amends section 602 (c) of the act to read:

The Act entitled "An Act to require apparatus and operators for radio communications on certain ocean steamers, approved June 24, 1910, as amended," is hereby repealed.

The act of June 24, 1910, as originally enacted, provided that from and after July 1, 1911, it should be unlawful for oceangoing steamers of the United States or of any foreign country carrying a certain number of passengers and crew to leave a port of the United States, unless such steamer is equipped with efficient radio communication. The provisions of the act were not to apply to steamers plying only between ports less than 200 miles apart.

The act of July 23, 1912, amended the 1910 act to apply to certain steamers navigating the ocean or the Great Lakes.

The act of May 20, 1937, added subsection (e) to section 602 repealing such parts of the act of June 24, 1910, as relate to the ocean and to steamers navigating thereon, but in all other respects the act was to continue in full force. The Federal Communications Commission was directed to make a study of radio requirements necessary for safety purposes for ships navigating the Great Lakes and the inland waters of the United States and to report to Congress with recommendations. The Commission made its report to Congress on December 16, 1940.

On February 21, 1952, the United States and Canada entered into an agreement (which was approved for ratification by the Senate on July 4, 1952, and ratified by the President on July 17, 1952) for the promotion of safety on the Great Lakes by means of radio, providing for the use of radiotelephony for distress and navigational purposes on the Great Lakes. Ratification of this agreement was exchanged on November 13, 1952, and it comes into force 2 years after the date of the exchange, namely, November 13, 1954. The act of 1910 is, therefore, no longer required after November 13, 1954.

#### CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XII of the Rules of the House of Representatives, changes in existing law made by the bill, as passed by the Senate, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italics, existing law in which no change is proposed is shown in roman):

#### COMMUNICATIONS ACT OF 1934, AS AMENDED

\* \* \* \* \*

SEC. 3. For the purposes of this Act, unless the context otherwise requires—  
(dd) \* \* \*

(ee) "*Great Lakes Agreement*" means the Agreement for the Promotion of Safety on the Great Lakes by Means of Radio in force and the regulations referred to therein.

#### PROVISIONS RELATING TO THE COMMISSION

SEC. 4. \* \* \*

(f) (1) \* \* \*

\* \* \* \* \*

(3) The Commission shall fix a reasonable rate of extra compensations for overtime services of [inspectors] *engineers* in charge and radio [inspectors] *engineers* of the [field Division of the Engineering Department] *Field Engineering and Monitoring Bureau* of the Federal Communications Commission, who may be required to remain on duty between the hours of 5 o'clock postmeridian and 8 o'clock antemeridian or on Sundays or holidays to perform services in connection with the inspection of ship radio equipment and apparatus for the purposes of part II of title III of this Act *or the Great Lakes Agreement*, on the basis of one-half day's additional pay for each two hours or fraction thereof of at least one hour that the overtime [extends] *exceeds* beyond 5 o'clock postmeridian (but not to exceed two and one-half days' pay for the full period from 5 o'clock postmeridian to 8 o'clock antemeridian) and two additional days' pay for Sunday or holiday duty. The said extra compensation for overtime services shall be paid by the master, owner, or agent of such vessel to the local United States collector of customs or his representative, who shall deposit such collection into the Treasury of the United States to an appropriately designated receipt account: *Provided*, That the amounts of such collections received by the said collector of customs or his representatives shall be covered into the Treasury as miscellaneous receipts; and the payments of such extra compensation to the several employees entitled thereto shall be made from the annual appropriations for salaries and expenses of the Commission: *Provided further*, That to the extent that the annual appropriations which are hereby authorized to be made from the general fund of the Treasury are insufficient, there are hereby authorized to be appropriated from the general fund of the Treasury such additional amounts as may be necessary to the extent that the amounts of such receipts are in excess of the amounts appropriated: *Provided further*, That such extra compensation shall be paid if such field employees have been ordered to report for duty and have so reported whether the actual inspection of the radio equipment or apparatus takes place or not: *And provided further*, That in those ports where customary working hours are other than those hereinabove mentioned, the [inspectors] *engineers* in charge are vested with authority to regulate the hours of such employees so as to agree with prevailing working hours in said ports where inspections are to be made, but

nothing contained in this proviso shall be construed in any manner to alter the length of a working day for the [inspectors] engineers in charge and radio [inspectors] engineers or the overtime pay herein fixed.

#### TITLE V. PENAL PROVISIONS, FORFEITURES

SEC. 501. \* \* \*

##### PROVISIONS RELATING TO FOREFEITURES

SEC. 504. (a) \* \* \*

(b) The forfeitures imposed by [title III, part II] *part II of title III and section 507 of this Act* shall be subject to remission or mitigation by the Commission, upon application therefor, under such regulations and methods of ascertaining the facts as may seem to it advisable, and, if suit has been instituted, the Attorney General, upon request of the Commission, shall direct the discontinuance of any prosecution to recover such forfeitures: *Provided, however, That no forfeiture shall be remitted or mitigated after determination by a court of competent jurisdiction.*

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##### VIOLATION OF GREAT LAKES AGREEMENT

SEC. 507. (a) *Any vessel of the United States that is navigated in violation of the provisions of the Great Lakes Agreement or the rules and regulations of the Commission made in pursuance thereof and any vessel of a foreign country that is so navigated on waters under the jurisdiction of the United States shall forfeit to the United States the sum of \$500 recoverable by way of suit or libel. Each day during which such navigation occurs shall constitute a separate offense.*

(b) *Every willful failure on the part of the master of a vessel of the United States to enforce or to comply with the provisions of the Great Lakes Agreement or the rules and regulations of the Commission made in pursuance thereof shall cause him to forfeit to the United States the sum of \$100.*

#### TITLE VI. MISCELLANEOUS PROVISIONS

SEC. 602 (a) \* \* \*

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(e) [Such part or parts of the Act entitled "An Act to require apparatus and operators for radio communication on certain ocean steamers", approved June 24, 1910, as amended, as relate to the ocean and to steamers navigating thereon, are hereby repealed. In all other respects said Act shall continue in full force and effect. The Commission is requested and directed to make a special study of the radio requirements necessary or desirable for safety purposes for ships navigating the Great Lakes and the inland waters of the United States, and to report its recommendations, and the reasons therefor, to the Congress as soon as practicable but not later than January 1, 1941.] *The Act entitled "An Act to require apparatus and operators for radio communication on certain ocean steamers", approved June 24, 1910 as amended, is hereby repealed.*

